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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,244	06/26/2003	Hiromu Ueshima	100341-0000X	4232
4372	7590	07/26/2004	EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			CHENG, JOE H	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/606,244	Applicant(s) UESHIMA ET AL.
	Examiner Joe H. Cheng	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/935,198.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In response to the Amendment filed on June 26, 2003, claims 1-4 have been cancelled and claims 5-8 are pending.

#### ***Specification***

2. The term "This is a Division of Application No. 09/935,198 filed August 23, 2001. The disclosure of the prior application(s) is hereby incorporated by reference herein in its entirety." on Pg. 1, line 1 should be recited as --This is a Division application of U.S. Patent Application Serial No. 09/935,198, filed August 23, 2001, now U.S. Patent No. 6,702,584 B2. The disclosure of the prior application is hereby incorporated by reference herein in its entirety.--, so as to clarify the status.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation therein is unclear and confusing, because it is not understood as to what is the scope of the claim. In addition, the claimed structural elements cannot perform the function of karaoke microphone, specifically, the claimed structural limitations do not provide any relationship between the karaoke machine and the microphone. Further, since there is no

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input audio signal recited in the claims, it is not understood as to how the audio signal is being generated and is also mixed with another audio signal by the mixer as claimed.

### ***Conclusion***

#### ***Allowable Subject Matter***

4. Claims 5-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record shows the combination of the structure of the claimed karaoke microphone comprising the microphone, the microphone jack which includes a first jack terminal, a second jack terminal and a third jack terminal, a microphone plug which includes a first plug terminal, a second plug terminal and a third plug terminal, a power supply line for applying a microphone power by connecting the first jack terminal and the first plug terminal, and a terminating resistor which connected to the second jack terminal in such manner as to be opened if a microphone plug of another karaoke microphone is inserted into a microphone jack; wherein both the second jack terminal and second plug terminal are connected to an audio signal line for outputting an audio signal from the microphone, and both the third jack terminal and the third plug terminal are connected to a ground line (as per claims 5-8).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato (U.S. Pat. No. 3,743,784) - note Figs. 1-28;

Kurosawa et al (U.S. Pat. No. 4,433,209) - note Figs. 1-8;

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Suh (U.S. Pat. No. 5,634,798) - note Figs. 1-5;

Ng et al (U.S. Pat. No. 5,648,628) - note Figs. 1-9;

Hwang et al (U.S. Pat. No. 6,122,369) - note Figs. 1-5;

Tanaka (U.S. Pub. No. 2002/0102000 A1) - note Figs. 1-6;

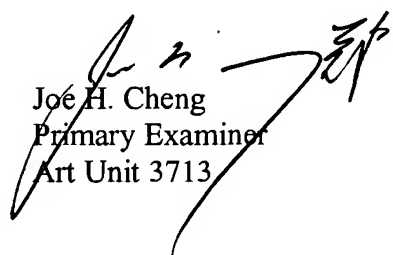
Kato et al (U.S. Pub. No. 2002/0186834 A1) - note Figs. 1-2(b);

Sakanoue et al (U.S. Pat. No. 6,539,241 B1) - note Figs. 1-19.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (703)308-2667. The examiner can normally be reached on Tue.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703)308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe H. Cheng  
Primary Examiner  
Art Unit 3713

Joe H. Cheng  
July 23, 2004